

REMARKS

Applicant respectfully requests reconsideration in view of the foregoing amendments and the remarks hereinbelow.

Reconsideration of the Examiner's rejection of claims 12 and 13 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claim 12 and 13 have been cancelled with this response. It is thus respectfully submitted that the Examiner's rejection has been rendered moot.

Reconsideration of the Examiner's rejection of claims 1-20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully requested.

The Examiner contends that claims 1-20 are directed to non-statutory subject matter because the recitation in the claims of the formation of a composite transform is non-functional descriptive material that does not exhibit any structural or functional relationship. In particular, the Examiner argues that the creation of the composite transform is merely data gathering, modification and compilation, and hence lacks a practical application, since the claimed invention cannot exhibit any functional relationship with the way in which computer processes are performed.

The original claims have been cancelled with this response. The new claims added with this response require, in one form or another, that the transforms produced are applied to an input file or color, and that the resulting file or color is output to a destination device. As noted in M.P.E.P. § 2106(IV)(B)(2)(b),

To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan ... , or (B) be limited to a practical application within the technological arts

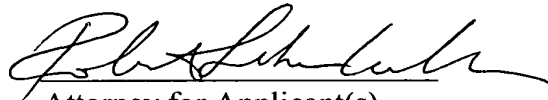
In the present case, the claimed process results in a modified file or color which is output to the destination device, and thus results in a physical transformation outside of the computer. Moreover, a practical application for this transformation is disclosed in the present specification, namely, the use of the transformation to preserve the color appearance of a digital image. Accordingly,

the new claims presented with this response are drawn to statutory subject matter. It is thus respectfully submitted that the Examiner's rejection with respect to claim 1 has been overcome.

With respect to the new claims added with this response, Applicant notes that support for these claims can be found, for example, at Page 8, Line 19 to Page 9, Line 2 of the present application.

It is respectfully submitted, therefore, that in view of the above amendments and remarks, that this application is now in condition for allowance, prompt notice of which is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert Luke Walker", written over a horizontal line.

Attorney for Applicant(s)
Registration No. 30,700

Robert Luke Walker/amb
Rochester, NY 14650
Telephone: (585) 588-2739
Facsimile: (585) 477-1148